IN THE HIGH COURT OF BOMBAY AT GOA
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FIRST APPEAL NO. 49 OF 2002

The Oriental Insuranco Co. Ltd.,
Gouveia Chambers, 3rd Floor,
Helidoro Salgado Road,
Panaji, Goa. ... Appellant.

versus

1. Shri Krishna Babli Kudtarkar,
House No.47, Kopardem,
P.O. Valpoi, Satari, Goa,

2. Smt. Savitri Krishna Kudtarkar,
House No.47, Kopardem,
P.O. Valpoi, Satari, Goa,

3. Shri Shrikant Shanu Usgaocar
(driver), House No.682,
Madalawada, Pali, Surla,
Bicholim, Goa, and

4. Shri Niag Khan,
Bus Owner, Valpoi,
Satari, Goa. ... Respondents.

Shri E. Afonso, advocate for the appellant.

Shri R. G.Ramani, advocate for the respondents.

CORAM : F. I. REBELLO, J.

DATE : 17th July, 2003.

ORAL JUDGMENT

The only issue is of applying the appropriate multiplier. From the evidence on record, it emerges that the mother of the deceased was aged about 49 years and the father was aged 59 years at the time of the accident. Taking the schedule into consideration, the multipliers applicable would be 13 and 8, respectively. Therefore, the average multiplier of 11 can be applied. Insofaras dependency is concerned, the evidence on record is that the deceased was earning Rs.70/- per day. Taking that into consideration and 1/3rd deduction

for the monthly dependency, the amount can be worked out at Rs.1,400/- and as such the total dependency would be Rs.1,84,800/-. To that can be added the medical expenses and cost of funeral, which would make a sum of Rs. 12,425/-. thus, the total compensation awarded works out to Rs.1,97,225/-.

Considering the above the Award is partly modified inasmuch as instead of the sum of Rs.2,84,585/-, it will be Rs.1,97,225/-, with interest at the rate of 9% per annum from the date of filing the claim for compensation, i.e. 3.3.1999, till payment.

The Insurance Company has deposited the amount in this Court. After paying to the respondent nos. 1 and 2 the amount as awarded, to refund the balance to the Insurance Company.

The Appeal is disposed of accordingly.

F. I. REBELLO, J.

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